

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LESTER D. FRYE, JR.,)	
Plaintiff,)	Civil Action No. 07-313
)	
v.)	District Judge Nora Barry Fischer
)	Magistrate Judge Lisa Pupo Lenihan
WESTMORELAND COUNTY,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on March 13, 2007 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. The Magistrate Judge's Report and Recommendation filed on March 15, 2007 (doc. no. 2) recommended that the Complaint be dismissed for failure to state a claim upon which relief may be granted in accordance with 28 U.S.C. 1915(e). Service was made on Plaintiff at his address of record and he was advised that he had until April 2, 2007 to file objections to the Report and Recommendation. No objections have been filed.

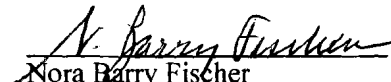
After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 10th day of April, 2007;

IT IS HEREBY ORDERED that the Complaint is **DISMISSED** for failure to state a claim upon which relief may be granted in accordance with 28 U.S.C. 1915(e).

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 2) of Magistrate Judge Lenihan, dated March 15, 2007, is adopted as the Opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this action as **CLOSED**.


Nora Barry Fischer
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Lester D. Frye, Jr.
237 Park St
Greensburg, PA 15601